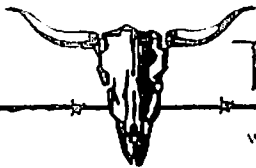


422 Addison  
P.O. Box 3880  
Missoula, MT 59806



Territorial-Landworks, Inc.

802 W. Main  
Hamilton, MT 59840

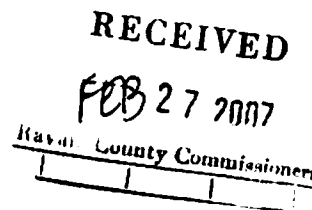
tel 406-721-0142  
fax 406-721-5224

www.territoriallandworks.com

tel 406-363-0071  
fax 406-363-0073

February 23, 2007

Shaun Morrell  
Ravalli County Planning Dept.  
215 S 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840



RE: Vistas Bitterroot Valley  
Response to Complaint

Dear Shaun:

We are in receipt of your letter dated February 15, 2007 (OG-07-02-167). Mr. Powell has stated that a low area has been created at the east end of the recently paved Higgins Lane and thus has caused potholes and standing water. We have visited the site to evaluate the validity of Mr. Powell's concerns and have the following comments:

1. The paving of Higgins Lane did not cause the drainage problem; it was an existing condition. As can be seen on the attached photo, Higgins Lane sits lower than the surrounding ground past the east end of the pavement. Prior to the paving of Higgins Lane, much of the road existed in this condition (see attached photos). Paving of Higgins Lane fixed about a half mile of the existing drainage problem, and has essentially eliminated the maintenance costs of the HOA for Higgins Lane along that first half mile. Notice the washboard in the gravel road prior to paving.
2. The area that Mr. Powell is concerned about is past the area of required improvements for the subdivision. The conditions of approval for the subdivision did not require the developer to maintain, reconstruct, or improve any of Higgins Lane past the east end of the subdivision.
3. The subject area does have a drainage problem. Mr. Powell and the other responsible parties for maintaining Higgins Lane should remove the dirt berms along the road that are retaining surface runoff on the roadway. This is especially dangerous because it appears that vehicles are maintaining higher speeds on the paved portion of Higgins Lane and thus driving into the poorly drained area and amplifying the potholes. This results in perpetuating the problem even more.

I understand that Mr. Powell may believe that the paving caused the drainage problem. If the gravel road was properly maintained and vehicles maintained lower speeds as they transitioned from the pavement to the gravel surface, then the drainage problem would not exist. Unfortunately, neither of these issues are within our control or the responsibility of the developer or his representatives. It is unfortunate that Mr. Powell is wasting county resources to make an unfounded complaint when he recently received a half mile of his road paved for free.

Sincerely,  
Territorial-Landworks, Inc.

Nathan Lucke, P.E.

Enclosures: Photos of Higgins Lane

- C. Ravalli County Board of County Commissioners, 215 S 4<sup>th</sup> St., Suite A; Hamilton, MT 59840  
Ravalli County Planning Board, 215 S 4<sup>th</sup> St., Suite F; Hamilton, MT 59840  
Applebury Survey, 914 Highway 93 N; Victor, MT 59875  
HLH Properties, c/o John Hirasuna; 22982 Cordoba Pl.; Salinas, CA 93908  
John Powell; P.O. Box 263; Stevensville, MT 59870  
File (w/ enclosures)



**Before Paving:** Higgins Lane looking west at the east corner of the subdivision. Notice that the road sits below the natural grade on both sides of the road. Also notice the washboard. The entire length in view is now paved, does not have drainage problems, and has eliminated the HOA maintenance costs on one-half mile of road.



**After Paving:** Higgins Lane looking east past the edge of pavement. Notice the berm on the right side that prevents runoff leaving the roadway, thus causing the standing water. Also notice the potholes at the end of the pavement. The potholes are caused by vehicles traveling at too high of speeds. The potholes then capture runoff and perpetuate the drainage problem. This area is past the subdivision and was not required to be improved as part of the subdivision improvements.